

REMARKS / ARGUMENTS

Claims 1-4 and 6-57 are pending in the application. All pending claims stand rejected. By the foregoing amendment, the Applicants have amended claims 1 and 42, as shown above. Claim 5 is cancelled. Claims 21-41 are withdrawn. No new matter is added by the amendments. In view of the foregoing amendments and following discussion, the applicants submit that all pending claims are in condition for allowance.

OBJECTION TO THE SPECIFICATION

At page 2 of the Office Action, mailed January 12, 2007, the Examiner objected to the specification. By the foregoing amendment to the specification the Applicants have overcome the objection. Accordingly, the Applicants request the objection be withdrawn.

CLAIM REJECTIONS UNDER 35 USC § 112

At page 3 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. § 112, first paragraph as not enabled. Claim 5 is cancelled. Accordingly, the Applicants respectfully request the rejection be withdrawn.

At page 3 of the Office Action, the Examiner rejected claims 1-20 and 42-57 under 35 U.S.C. § 112, first paragraph as not enabled for the prevention of viral infections. By the foregoing amendments to claims 1 and 42 the Applicants have overcome these rejections. Claims 2-20 and 43-57 which depend from claims 1 and 42, respectively, are also enabled and are therefore allowable. Accordingly, the Applicants request the rejections be withdrawn.

At page 6 of the Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. § 112, second paragraph as not enabled. Formula II of amended claim 1 clearly denotes hydrogen groups at positions 1', 2', 3', and 4'. By the foregoing amendment the Applicants have overcome these rejections. Claims 2-4 and 6-20 which depend from claim 1 are also enabled and are thus allowable. Accordingly, the Applicants request the rejections be withdrawn.

At page 6 of the Office Action, the Examiner rejected claims 2, 4, 43 and 45 under 35 U.S.C. § 112, second paragraph as not enabled. The Applicants respectfully traverse the rejections. The Examiner incorrectly concluded there is insufficient antecedent basis for the further limitation of 3'-deoxy-3'-fluorothymidine because claim 1 requires the compound to be

2'-3'-dideoxy. Formula II of claim 1 may also derive 3'-deoxy-3'-fluorothymidine because thymidine is substituted with a hydroxyl group in only the 3' position. Therefore, there is sufficient antecedent basis for claims 2, 4, 43 and 45. Accordingly, the Applicants request the rejections be withdrawn.

At page 6 of the Office Action, the Examiner rejected claims 8-18 and 47-56 under 35 U.S.C. § 112, second paragraph as not enabled. The Applicants respectfully traverse these rejections. The specification on pages 27-65 clearly enumerate the various agents encompassed by the groups nucleoside reverse transcriptase inhibitor (pages 19, 27-30), protease inhibitor (pages 19, 30-34), entry inhibitor (pages 20, 34-56), integrase inhibitor (pages 20, 57-62), maturation inhibitor (pages 20-21, 62-65), and antisense compounds or non-nucleoside reverse transcriptase inhibitors (pages 20-21, 62-65). Applicants respectfully request the rejections be withdrawn.

CLAIM REJECTIONS UNDER 35 USC § 103(a)

At page 9 of the Office Action, the Examiner rejected claims 1-4, 6-20 and 42-57 under 35 USC 103(a) as being unpatentable over WO 01/96338 ("338") in view of WO 88/00050 ("050"). The Applicants respectfully traverse the rejections. Amended claims 1 and 42 claim treatment for both retroviral and hepatitis B viral infections. It is not prima facie obvious to combine the compositions from the '338 and '050 references to form a third composition because the compositions are not useful for the same purpose. The formula of '338, which corresponds to formula I of the current invention, is useful for treating AIDS, ARC and related disorders associated with HIV-1 infection (page 7 of '338). The formula of '050, which corresponds to formula II of the current invention, is useful for treating retrovirus infections and further teaches hepatitis B virus infections (page 2 of '050). Thus, there is no prima facie obviousness to combine formula I and II. The very reason the current invention combines formula I and II is to treat both retroviral and hepatitis B viral infections. A skilled artisan viewing '050 would have no motivation to look to '338 to achieve the present invention. Therefore, amended claims 1 and 42 are not obvious over '338 in view of '050 and are thus allowable. Claims 2-4 and 6-20 which depend from claim 1, and claims 43-57 which depend

Application No. 10/809,609
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from claim 42 are also not obvious and are therefore allowable. The Applicants respectfully request the Examiner withdraw the rejection.

Applicants submit that all claims pending in the patent application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited. The fees for a one (1) month extension of time are included herewith. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

Respectfully submitted,

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